App. F. IX-4

Previous References

1935.
(Law)

File No. [illegible]

Serial Nos. [illegible]

Letter References.

D. O.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. [illegible]

Part B for Nov 35

SUBJECT.

Re L. M. Kolar regarding meeting
& telegram received from Supdt. Acquitt.
in C.C. 132/35 S.6 on the file of the S/M. Nag.
K.G.F. (Govt. vs Babu Shariff)

Govt. Pleader
L. M. Kolar

WD 03607—GPB—22,500—2-8-35

No. P 2945 (Ag) 1.11.35.

Secretary

D. Rhodes
16.11.35

In all future correspondence please quote this
No. J.J.C. 263/35-36.
Encls.

OFFICE OF THE DISTRICT MAGISTRATE,
KOLAR DISTRICT.

Dated Kolar, the 9th October *1935*

Law 58-35-1

Pro Br.
E/12/10

Law
12.10.35

FROM

T. G. RAMA IYER, ESQ., B.A.,
District Magistrate,
Kolar District.

To

V. Anantaraman, Esq., B.A.,
CHIEF SECRETARY TO GOVERNMENT OF MYSORE,
~~*Department,*~~
Bangalore

SIR,

I have the honour to forward herewith a copy of the order passed by the Special Magistrate, K.G.F., in C.C.132/35-36 on his file acquitting the accused, one Baba Sharif, of the charge for an offence under section 16 Motor Vehicles Regulation read with Rule 27(e) of the Rules framed thereunder. The reasons given by the Magistrate in support of the order are rather curious and irrelevant. The Rule 27(e) prescribes a particular uniform for the drivers of taxis and the order of acquittal is illegal. The decision is rather important as it has virtually put an end to the enforcement of the rule in the K.G.F., area and unless set aside, it serves as a precedent to drivers of public service motor vehicles in the K.G.F., area to disregard the law.

2. The Government Advocate in Mysore, Bangalore, to whom the matter was referred for his opinion re: preferring an appeal to the High Court under section 417 Cr.P.C., has opined that the accused has been improperly acquitted and that there are sufficient grounds for an appeal. A copy of the letter received from him is enclosed for favour of perusal.

3. In view of the importance of the decision in the K.G.F., area, I request you to kindly recommend to Government in the matter of preferring an appeal to the High Court of Mysore under section 417 Cr.P.C.

I have the honour to be,
Sir,
Your most obedient

District Magistrate.
9/10/35

The G.A. says that the accused has been improperly acquitted and that there are sufficient grounds for an appeal. He is therefore of opinion that the necessity of filing an appeal may be rendered a

Serial No.

the matter & trivial. Under the Circumstances explained by the D.M., sanction may be accorded to file an appeal.

Subd. are a dft G.O. sanctioning for orders

TSD 12/10.

Please put up the Order

12/10/35

Sd/- with the motor manual dtd. & now Re

Done 13/10

Rule 17 E.

When a particular uniform is prescribed, it is no duty of the magistrate to enquire into the reasons for prescribing such dress and then arrive at the conclusion that if the person is cleanly dressed, it is sufficient compliance with the rule. An appeal against the acquittal may be filed as recommended by the Dt. Magte, as the point involved is of some importance

Agree. for sanction.

27/10

29/10

First Member

29/10

29/10

Dept 29/10

GENERAL BRANCH 21 OCT. 1935 444

OFFICE OF THE FIRST MEMBER OF COUNCIL 29 OCT. 1935 No. 2673

NOTE.—Contn. Sheet.

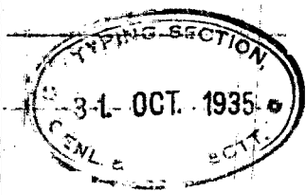
WD 03594—GPB—30,000—13-7-35

2274

Law File No. 58 of 1938 — General and Revenue Secretariat

Dft already put up ... mb? for appl

ISD 30/10 Issue DDP 30/10



To,

Re S.D.

- D.M. Kola

S.O. no. 296-G dt 1.11.35 panchayat

re filing of an appeal

Letter No.311 dated 24th/27th September 1935 from the Government Advocate in Mysore, Bangalore, to the District Magistrate, Kolar District, Kolar.

With reference to your letter No: J.1.C.936/35-36 dated the 9th September 1935, re: the order of acquittal passed - by the Special Magistrate, Kolar Gold Fields, in Criminal - Case No: 132 of 1935-36 on his file, (Government of Mysore VS. Baba Sheriff) I have the honor to state that the Magistrate's interpretation of Rule 27(e) of the Mysore Motor Vehicles Rules does not seem to be correct. This rule requires that all drivers of taxis shall wear Khaki trousers and Khaki closed coats with five buttons and a cap or turban. The accused in this case, as found by the Magistrate, was not so dressed and I therefore think that he has been improperly acquitted and that therefore there are sufficient grounds for an appeal. As however this is a trivial matter, whether an appeal is necessary deserves your consideration.

2. The copy of the Judgment received with your letter is herewith returned.

==========

" C O P Y "

District Magistrate,
Kolar District.
10/10/35

LVK.

Record in summary non-appealable cases Section 263, C. P. Code. Form No. 31, Criminal.

IN THE COURT OF Senior Asst. Commissioner & 1st Class Magistrate, Kolar Gold Fields.

Serial No.	Date of commission of offence	Date of report on complaint	Name of complainant (if any)	Accused: Name	Accused: Parentage	Accused: Age	Accused: Residence	Offence complained of and offence (if any) proved	Value of property in respect of which offence was committed	Plea of accused and his examination (if any)	The finding and in the case of conviction brief statement of the reasons therefor	Sentence or other final order	Date on which proceedings terminated
1	2	3	4	5	6	7	8	9	10	11	12	13	14
C.C.No. 132 of 35-36.	11-8-35	16-8-35.	Govt. Robertsonpet Police	Baba Shariff	Mahaboob Shariff	24	Andersonpet.	That on 11-8-35, the accused was found driving taxi No.Mys.1128 plying for hire between Robertsonpet and Andersonpet without proper uniform. Section 16 M.V.R. read with Rule 27(e) M.V. Rules. Offen proved -Nil-		Not guilty	The accused was wearing a decent dress. The colour of the trousers and shirt was white instead of its being Khaki and he was also waring a coat. The idea of the rule is that drivers should wear decent dress to cover their body which should not fly off in the wind when the motor moves fast. The accused is stated to have worn dress similar to the one he is now wearing and I find the dress to be unexceptionable. The cause for running the accused down seems to be quite different. There is no case against the accused and I acquit him under Section 245 Cr.P.Code. In open Court. (Sd) M. Abdul Hukh, Special Magistrate, 16-8-35.		

'C o p y'

For District Magistrate,
Kolar District.

VK.

WD 1418—GPB—5,000—10-1-35

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.J.1.C.936/35-36 dated 9th October 1935 from the District Magistrate, Kolar, soliciting in the circumstances stated sanction of Government to file an appeal against the order of acquittal in C.C.132/35-36 on the file of the Special Magistrate, Kolar Gold Fields (Government Vs Babu Sheriff) offence under Section 16 of the Mysore Motor Vehicles Regulation read with rule 27(e) of the rules framed thereunder.

Order No. P 2945-46 Law 68-35-2

Dated, Bangalore the 31st October 1935.

S A N C T I O N E D. Under Section 417 Criminal Procedure Code the Government Advocate is requested to take step in time to file an appeal in the High Court of Mysore against the order of acquittal in the above case. The District Magistrate, Kolar is requested to send immediately direct to the Government Advocate a certified copy of the judgment and other connected records.

By order and in the name of
the Governor of Mysore,

M Prabhu
for General Secretary to Government.

To

The Government Advocate.

The District Magistrate, Kolar.

Aga/3.

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary. No of letter replied to .....

Section Law

File No. 68-35

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 1/11/ ... 193 5.

Signed by M. N. R-/12

Read— Letter no. J.C. 536 35-36 d 9.10.35 from the D. M. Kolar soliciting in the circumstances stated, sanction of Govt to file an appeal against the order of acquittal in C.C. 132/35-36 on the file of ~~Order thereon.—No.~~ the Special Magistrate K.G.F. (Govt vs Bibi Sherifa) — offence under sec 16 of the Mysore Motor Vehicles Rules read with rule 93 (e) of the rules framed thereunder.

Order:- No P 2945-46

Sanctioned Under sec 41

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Cr. P.C. the Govt. Ad. is requested to take steps in time to file an appeal in the H.C. of Mysore against the order of acquittal in the above Case. The D.M. Kolar is requested to send, immediately, direct to the Govt. Ad the certified Copy of the judgment and other connected records.

General Dept
TSD
12/10

To,

The G.Ad.

D.M. Kolar

List of Enclosure

Copied by

Examined by

WD 0185—GPB—15,000—13-8-34